

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

KATHY ANN CABLER, individually and
as independent administrator of, and on
behalf of, the ESTATE OF §
CHRISTOPHER WAYNE CABLER and §
CHRISTOPHER WAYNE CABLER'S §
heirs-at-law; *et al.*, §

§
v. §

§
RED RIVER COUNTY, TEXAS, *et al.*, §

CIVIL ACTION NO. 5:21-CV-00012-RWS-CMC

ORDER


The above-entitled and numbered civil action was referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. On March 2, 2022, the Magistrate Judge entered a Report and Recommendation, recommending Defendant Kristy Perry-Wallace's Rule 12(b)(6) Motion to Dismiss and Brief in Support Thereof (Docket No. 20) be **DENIED**. Docket No. 130.

The Court has received and considered the Report and Recommendation of the Magistrate Judge filed pursuant to such order, along with the record and the pleadings. Perry-Wallace, proceeding *pro se*, acknowledged receipt of the Report and Recommendation on March 2, 2022. Docket No. 132. No objections have been filed by the parties. Because no objections to the Magistrate Judge's report have been filed, neither party is entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, they are barred from appellate review of the unobjected-to factual findings and legal

conclusions accepted and adopted by the District Court. 28 U.S.C § 636(b)(1)(C); *Douglass v. United Services Automobile Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the motion and the Magistrate Judge's report and agrees with the report. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants.’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge as the findings and conclusions of this Court. Perry-Wallace’s motion (Docket No. 20) is therefore **DENIED**.

So ORDERED and SIGNED this 29th day of March, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE